IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

MACA.No. 1991 of 2007

OPMV.935/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA
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APPELLANT/PETITIONER:

AYYAPPAN PILLAI,
S/O. KOCHU GOVINDA KURUP, AGED 65 YEARS, 'ASWATHY' PATHIRAPPALLY P.O., ALAPPUZHA FROM KUNNEL HOUSE, CHERTHALA SOUTH PANCHAYATH, WARD NO.VIII, WEST OF ST.MICHAEL'S COLLEGE, MAYITHARA MARKET P.O., CHERTHALA.

BY ADV. SRI.G.PRIYADARSAN THAMPI
SRI.V.GOPIKRISHNA

RESPONDENTS: RESPONDENTS:

1. KABEER, S/O. MUHAMMED HUSSAIN,
NIHAZ MANZIL, NEAR VATTAPPALLY,ZACHARIA BAZAR WARD ALAPPUZHA MUNICIPALITY, ALAPPUZHA-688 001.

2. NAZEER, S/O. ABDUL KHADER,
PUTHUPARAMBIL, PERUNNA EAST P.O., CHANGANASSERY MUNICIPALITY, WARD NO.15, CHANGANACHERRY-686 101.

3. THE NEW INDIA ASSURANCE CO. LTD.,
CHANGANACHERRY BRANCH OFFICE, SALIM BUILDING, NEAR HEAD POST OFFICE, P.B.NO.77,CHANGANACHERRY, REP. BY ITS BRANCH MANAGER, M.G.RAOD,COCHIN-682016

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.A.C.A.No.1991 OF 2007

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Dated this the 30th day of October, 2007

JUDGMENT

Radhakrishnan, J

The appellant is the petitioner in O.P.(MV)No.935/2001 on the file of the Motor Accidents Claims Tribunal, Alappuzha. The only question which has come up for consideration is whether the compensation amount awarded by the Tribunal is just and proper. Ext.A16 is the disability certificate in which it is stated that the petitioner is having permanent disability of 45%. Tribunal found that the disability certificate was not issued by the doctor who had treated the petitioner. After considering the nature of the injuries sustained by the petitioner, Tribunal fixed percentage of disability at 15%. Tribunal awarded Rs.25,000/- towards the ayurvedic treatment undergone by the petitioner. Ext.A14, medical bills shows that petitioner spent Rs.23,735/- towards the charges for the physiotherapy. Tribunal awarded Rs.15,000/- towards physiotherapy charges and Rs.25,000/- towards ayurvedic

treatment expenses. Petitioner has not examined the physiotherapist who had issued those bills.

Considering the entire facts and circumstances of the case, we are of the view that the Tribunal awarded reasonable amounts in all other heads. In such circumstances, we find no reason to interfere with the award passed by the Tribunal. Therefore, this appeal is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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